



MINUTES

**BRYAN BUILDING AND STANDARDS COMMISSION
REGULAR MEETING
MONDAY, NOVEMBER 26, 2012 – 6:00 P.M.
COUNCIL CHAMBERS, BRYAN MUNICIPAL BUILDING
300 SOUTH TEXAS AVENUE, BRYAN, TEXAS**

On the 26th day of November, 2012, the Building and Standards Commission of the City of Bryan, Texas convened in Council Chambers of the Bryan Municipal Building at 6:00pm.

BSC Members Present:

Jerry Ponzio
Daryl Massey
Victor Drozd
Cheryl Free
Richard Ravey

Staff Members and Others:

Greg Cox, Chief Building Official
Martin Zimmermann, Planning Administrator
Jonathan Koury, Assistant City Attorney
Fred Taylor, Deputy Fire Marshall
Sharon Hauke, Code Enforcement Officer
Jerry Fagan, Community Improvement Specialist
Charmaine McKinzie, Dev. Serv. Representative

Disclaimer: *The meeting minutes herein are a summarization of meeting procedures, not a verbatim transcription.*

1. CALL TO ORDER.

Chairman Ponzio Called the meeting to order at 6:05pm.

2. RECOGNITION OF AFFIDAVITS FILED IN RESPONSE TO STATE LAW ON DISCLOSURE OF LOCAL OFFICIAL'S CONFLICT OF INTEREST.

No affidavits were filed.

3. APPROVAL OF MINUTES FROM THE WORKSHOP MEETING ON OCTOBER 8, 2012 AND THE REGULAR MEETING ON OCTOBER 22, 2012.

Commissioner Drozd moved to approve both the regular and workshop meeting minutes. Commissioner Ravey seconded the motion.

Chairman Ponzio asked if there was any discussion.

There was none.

The motion passed with a unanimous vote.

4. OPENING STATEMENT FROM THE CHAIR.

Chairman Ponzio read the opening statement.

5. SWEARING IN OF ALL PRESENT AND INTENDING TO TESTIFY.

Chairman Ponzio swore in everyone in the audience that was planning on speaking concerning any of the properties on this meeting agenda.

6. REQUESTS TO DECLARE THE FOLLOWING BUILDINGS UNSAFE AND TO ORDER THE SAME TO BE VACATED, REPAIRED, SECURED OR DEMOLISHED – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (The order of hearings during this meeting is subject to change without notice, anyone wishing to speak at a hearing should be present at the start of the meeting. Commission makes final determination; appeals may be directed to district court).

- a. **Case # 1848 - 1006 Burt Street**
Owner: Clarence Joseph Lambrecht
D.E. Wade Subdivision, Block 1, Lot 4

Mr. Zimmermann, Planning Administrator, advised that staff recommends that the Commission find the building unsafe based on the standards set forth in Bryan Code of Ordinances Section 14-224 Subsection 1, 2, 3, 4, 5, 6, and 7. Staff recommends that the Commission issue an order to the owner, lienholder, or mortgagee to demolish/remove the building and accessory structure within 30 days. Staff further recommends that the Commission order the City to demolish the building and accessory structure and remove the debris in accordance with Chapter 14 of the City of Bryan's Code of Ordinances if the owner, lienholder, or mortgagee fails to comply with the Commission's order.

Chairman Ponzio opened the public hearing.

Mr. Sam Urso with Prosperity Bank, of 2807 South Texas Avenue, Bryan, Texas advised that his bank has foreclosed on the property and that there is a prospective buyer, Mr. Willie Ramirez.

Mr. Urso stated that they don't know if the home is contaminated, and that he has looked into it, and that the state of Texas does not regulate meth clean up. Mr. Urso handed out a Voluntary Guideline for Methamphetamine Laboratory Cleanup.

Responding to a question from Mr. Urso, Mr. Greg Cox, Chief Building Official stated that there are no requirements for cleaning up the possible contamination to the structure from the meth lab that was operating there. He advised, however, that cleanup would be required if repair of the structure was allowed.

Mr. Willie Ramirez, of 604 W William J Bryan Parkway, Bryan, Texas came forward and stated that he was looking into purchasing the property and an adjacent property from the bank. His plans are to remodel the structure on the adjoining property and use this structure for storage of building materials during the renovations.

Mr. Cox advised that consideration of this property was delayed for about two months ago at the

request of Mr. Urso so that the bank could complete the foreclosure proceedings and decide what to do with the property. At that time Mr. Urso was informed that, should the bank decide to repair the structure, an itemized list of repairs would need to be submitted to the City along with an engineer's report on the foundation as it has cracks. Mr. Cox advised that the City had not received anything.

Mr. Urso asked the Commission for 90 days to determine what the level of contamination is and give the bank time to decide if they want to repair or demolish the structure.

Chairman Ponzio closed the public hearing.

Commissioner Massey moved to accept staff's recommendation that this building is unsafe and that the Commission issues an order to the owner, lienholder or mortgagee to keep the structure secured and to appear before the Commission in 60 days with a set of plans, estimates and a timeline for completing repairs. Commissioner Drozd seconded the motion.

Chairman Ponzio asked if there were any discussion.

There was none.

The motion passed with a unanimous vote.

**b. Case # 1892 – 1800 Patton Avenue
Owner: Hector & Maria Romero
Darwin-Kennard, Block 4, Lot 11**

Mr. Zimmermann advised that staff recommends that the Commission find the accessory structure unsafe based on the standards set forth in Bryan Code of Ordinances Section 14-224 Subsection 2, 8, and 9. Staff recommends that the Commission issue an order to the owner, lienholder, or mortgagee to vacate and secure the accessory structure within 7 days and to demolish/remove the accessory structure within 30 days. Staff further recommends that the Commission order the City to demolish the building and accessory structure and remove the debris in accordance with Chapter 14 of the City of Bryan's Code of Ordinances if the owner, lienholder, or mortgagee fails to comply with the Commission's order.

Chairman Ponzio opened the public hearing.

Ms. Jessica Romero, of 1800 Patton Avenue, Bryan, Texas, stated she would be translating for Hector and Maria Romero. Ms. Romero went on to say that her dad, Mr. Hector Romero, built this accessory structure.

Responding to questions from the Commissioners, Ms. Romero stated that her parents are living in the accessory structure. She stated that they will do what they have to do to bring it up to code.

Mr. Zimmermann reminded Commissioners that the permit was issued for a storage building and not a dwelling.

Chairman Ponzio closed the public hearing.

Commissioner Drozd moved to accept staff's recommendation that this building is unsafe and that the Commission issues an order to the owner, lienholder or mortgagee to vacate and secure the structure in 7 days and to demolish or remove the accessory building within 30 days.

Commissioner Massey seconded the motion.

Chairman Ponzio asked if there were any discussion.

There was none.

The motion passed with a unanimous vote.

- c. Case # 1893 – 800 Broadmoor Drive**
Owner: Sandra Kay Bowen Shumaker
North Garden Acres, Phase 1, Block 1, Lot 9

Mr. Zimmermann advised that staff recommends that the Commission find the building unsafe based on the standards set forth in Bryan Code of Ordinances Section 14-224 Subsection 1, 2, 7, and 8. Staff recommends that the Commission issue an order to the owner, lienholder, or mortgagee to demolish/remove the building and accessory structures within 30 days. Staff further recommends that the Commission order the City to demolish the building and accessory structure and remove the debris in accordance with Chapter 14 of the City of Bryan's Code of Ordinances if the owner, lienholder, or mortgagee fails to comply with the Commission's order.

Chairman Ponzio opened the public hearing.

Mr. John French, 714 North Avenue, Bryan ,Texas advised that he does not disagree with the City's recommendation, but that he would like to have more time due to holiday and family issues.

Responding to a question from the Commission, Mr. French stated he would like 60 or 90 days to demolish or remove mobile home and to repair the storage buildings and garage.

Mr. Zimmermann clarified that staff's recommendation was demolish all structures on the property.

Chairman Ponzio closed the public hearing.

Commissioner Massey moved to accept staff's recommendation that this building is unsafe and that the Commission issues an order to the owner, lienholder or mortgagee to secure the structure and demolish/remove the mobile home and accessory structures within 60 days, or the City of Bryan will demolish. Commissioner Ravey seconded the motion.

Chairman Ponzio asked if there were any discussion.

There was none.

The motion passed with a unanimous vote.

- d. Case # 1894 – 2316 Rountree Drive**
Owner: Donald Vincent Jensen Revocable Living Trust
Williamson, Block 1, Lot 3

Mr. Cox distributed a letter that City staff had received from the property owner (on file in the Development Services Department).

Mr. Zimmermann advised that staff recommends that the Commission find the building unsafe based on the standards set forth in Bryan Code of Ordinances Section 14-224 Subsection 1, 2, 3, 4, 5, 6, 7, 8, and 9. Staff recommends that the Commission issue an order to the owner, lienholder, or mortgagee to demolish the two-family dwelling (units A and B) building and accessory structure within 30 days, and to repair the five-unit apartment building (units C, D, E, F, and G) within 60 days, and to appear before the Commission at every other regularly scheduled meeting to demonstrate compliance with the Commission's order and timeline. Staff further recommends that the Commission order the City to demolish the building and accessory structure (Units A and B) and remove the debris in accordance with Chapter 14 of the City of Bryan's Code of Ordinances if the owner, lienholder, or mortgagee fails to comply with the Commission's order.

Chairman Ponzio opened the public hearing.

Mr. Andrew Jensen of 402 N Coulter, Bryan Texas, advised that he agrees with City staff's recommendation.

Commissioner Drozd moved to accept staff's recommendation that the buildings are unsafe and that the Commission issue an order to the owner, lienholder or mortgagee to demolish/remove building A and B within 30 days, and to repair buildings C, D, E, F and G within 60 days, and to appear before the Commission at every other regularly scheduled meeting to demonstrate compliance with the Commission's order, Commissioner Massey seconded the motion.

Chairman Ponzio asked if there were any discussion.

There was none.

The motion passed with a unanimous vote

- e. **Krenek's Mobile Home Park – 1602 Finfeather Road/1717 Groesbeck Street**
Zeno Phillips League, Block 17, Lot 23, TR-91 (11.59 acres)

3. Case # 1887 – 1717 Groesbeck #70
Owner: Gonzalez Eduardo Ortiz

Mr. Zimmermann advised that staff recommends that the Commission find the building unsafe based on the standards set forth in Bryan Code of Ordinances Section 14-224 Subsection 2, 6, and 8. Staff recommends that the Commission issue an order to the owner, lienholder, or mortgagee to, vacate the structure within 45 days, and to demolish/remove the building and accessory structure within 60 days. Staff further recommends that the Commission order the City to demolish the building and accessory structure and remove the debris in accordance with Chapter 14 of the City of Bryan's Code of Ordinances if the owner, lienholder, or mortgagee fails to comply with the Commission's order.

Chairman Ponzio opened the public hearing.

Mr. Gustavo Roman, Director of Information Technology for the City of Bryan, advised that he is a certified translator and will be translating for Mr. Eduardo Ortiz, of 1717 Groesbeck #70, Bryan, Texas, at Mr. Ortiz's request.

Mr. Roman advised that Mr. Ortiz bought the property in February 2012 and there was a lot of damage inside. He advised that Mr. Ortiz will go along with whatever staff recommends. Mr. Ortiz

has only asked that he could have as much time as he could to demolish.

Chairman Ponzio closed the public hearing.

Commissioner Massey moved to accept staff's recommendation that this building is unsafe and that the Commission issues an order to the owner, lienholder or mortgagee to vacate the building within 45 days and to demolish/remove the mobile home within 90 days. Commissioner Drozd seconded the motion.

Chairman Ponzio asked if there were any discussion.

There was none.

The motion passed with a unanimous vote.

- f. Lynn Acres Mobile Home Park – 113 Lynn Drive**
Joseph E Scott Survey, Block 1, Lot 4, TR-119 (4.2 acres)

- 1. Case # 1890 113 Lynn Drive #2**
Owner: Davidson Katherine H
- 2. Case # 1891 – 113 Lynn Drive #25**
Owner: Davidson Katherine H

Mr. Zimmermann advised that these two structures have been removed and that there is no action to be taken by the Commission.

- e. Krenek's Mobile Home Park – 1602 Finfeather Road/1717 Groesbeck Street**
Zeno Phillips League, Block 17, Lot 23, TR-91 (11.59 acres)

- 1. Case # 1885 – 1602 Finfeather Road #19**
Owner: Gutierrez Eugracia
- 2. Case # 1886 – 1602 Finfeather Road #40**
Owner: Hernandez Jose L
- 4. Case # 1888 – 1717 Groesbeck #100**
Owner: Tirado Olivia

Commissioner Drozd moved to accept the City's recommendations for agenda items e 1,2 and 4, and that these properties are a hazard to the health, safety and welfare of citizens and ordered that the structures thereon be secured and demolished by the owners, lien holders or mortgages within 30 days, or the City will demolish. Commissioner Free seconded the motion.

Chairman Ponzio asked if there were any discussion.

There was none.

The motion passed with a unanimous vote

7. STAFF ANNOUNCEMENTS (This item includes introductions of new employees, meeting reminders, upcoming events, and staff recognition).

A. The next regular meeting is scheduled for 6p.m. on Monday, January 28, 2013, in Council Chambers, Bryan Municipal Office Building, 300 S. Texas Avenue.

B. Appreciation lunch in January/February 2013.

Mr. Zimmermann thanked Chairman Ponzio for his service since this was his last meeting. Mr. Zimmerman suggested that an appreciation workshop lunch meeting be held on January 14, 2012, to recognize Chairman Ponzio for his service to the Commission and to welcome newly-appointed Commissioners. There were no objections.

8. FUTURE AGENDA ITEMS (A Commissioner may request that a subject for which notice has not been given be placed on an agenda for future meeting).

No future agenda items were requested.

9. ADJOURN.

Without objection Chairman Ponzio adjourned the meeting at 7:30 pm.

These minutes were reviewed and approved by the City of Bryan Building and Standards Commission on the 28th day of **January, 2013**.

Daryl Massey
Chairperson
Building and Standards Commission
City of Bryan, Texas

Greg Cox, Chief Building Official and
Secretary to the Building and Standards
Commission